

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Michael Acampora	Team: Team # 6	CCRB Case #: 201308815	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 09/14/2013 1:54 AM	Location of Incident: In front of 469 Bristol Street and the 73rd Precinct stationhouse	Precinct: 73	18 Mo. SOL 3/14/2015	EO SOL 3/14/2015	
Date/Time CV Reported	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 09/20/2013 12:39 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Yancy Blowe	02316	932134	073 PCT
2. POM Jonathan Taveras	30195	953469	073 PCT
3. SGT Carlos Lewis	00550	919302	073 PCT
4. POM Julio Batista	17763	951530	073 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Jonathan Taveras	Force: PO Jonathan Taveras used a chokehold against § 87(2)(b) in front of 469 Bristol Street, in Brooklyn.	
B.SGT Yancy Blowe	Force: Sgt. Yancy Blowe used physical force against § 87(2)(b) in front of 469 Bristol Street, in Brooklyn.	
C.POM Jonathan Taveras	Force: PO Jonathan Taveras hit § 87(2)(b) against the ground in front of 469 Bristol Street, in Brooklyn.	
D.SGT Carlos Lewis	Force: Sgt. Carlos Lewis used a chokehold against § 87(2)(b) inside the 73rd Precinct stationhouse.	
§ 87(4-b), § 87(2)(g)		

Case Summary

On September 17, 2013, § 87(2)(b) filed this complaint with IAB via phone (encl. 9A-9C). On September 20, 2013, the CCRB received this complaint via IAB log #13-39955 (encl. 10A-10B).

On September 14, 2013, § 87(2)(b) her boyfriend § 87(2)(b) and her friend § 87(2)(b) were walking down Bristol Street, in Brooklyn when they were approached by Sgt. Yancy Blowe, PO Jonathan Taveras, and PO Julio Batista of the 73rd Precinct. As a result, the follow allegations occurred:

- **Allegation A—Force: PO Jonathan Taveras used a chokehold against § 87(2)(b) in front of 469 Bristol Street, in Brooklyn.**
§ 87(2)(g)
§ 87(2)(g)
- **Allegation B—Force: Sgt. Yancy Blowe used physical force against § 87(2)(b) in front of 469 Bristol Street, in Brooklyn.**
§ 87(2)(g)
§ 87(2)(g)
- **Allegation C—Force: PO Jonathan Taveras hit § 87(2)(b) against the ground in front of 469 Bristol Street, in Brooklyn.**
§ 87(2)(g)
§ 87(2)(g)
- **Allegation D—Force: Sgt. Carlos Lewis used a chokehold against § 87(2)(b) inside the 73rd Precinct stationhouse.**
§ 87(2)(g)
§ 87(2)(g)
- § 87(4-b), § 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

§ 87(2)(b) was arrested during this incident; therefore this case is not eligible for mediation.

Results of Investigation

Civilian Statements

Victim: § 87(2)(b)

- § 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

Statements to Medical Personnel

The Prehospital Care Report Summary for § 87(2)(b) notes that he complained of pain to his face that was the result of an interaction with the police after getting into a fight. He did not complain of any other injuries.

Arrest Photo

§ 87(2)(b) arrest photo (encl. 19A) does not show any visible injuries.

CCRB Statement

On October 3, 2013, § 87(2)(b) was interviewed at the CCRB (encl. 11A-11D). His interview is summarized below.

On September 14, 2013, at approximately 1:50 a.m., § 87(2)(b) his girlfriend § 87(2)(b) and § 87(2)(b)'s friend, § 87(2)(b) left § 87(2)(b)'s home at § 87(2)(b) in Brooklyn. While at § 87(2)(b)'s home, § 87(2)(b) consumed approximately two vodka drinks (each drink was approximately two shots). § 87(2)(b) and § 87(2)(b) left the house to go to a party, and started walking south on Bristol Street. While they were walking, they were making jokes and talking, but they were not yelling or being loud. As they reached the next block, § 87(2)(b) saw a blue Chevy Impala driving on the street slowly behind them.

§ 87(2)(b) and § 87(2)(b) continued walking along Bristol Street. § 87(2)(b) stated that seeing the blue car did not change his behavior. When they were in the middle of the block, § 87(2)(b) heard someone from the blue car yell "Ty!" twice. § 87(2)(b) glanced back at the vehicle, but continued walking. § 87(2)(b) and § 87(2)(b) quietly laughed at the vehicle mistaking them for a person named Ty.

The blue Impala pulled up beside § 87(2)(b) and § 87(2)(b) and someone yelled "Ty!" from it again. Thirty seconds later, an officer (identified by § 87(2)(b) as Sgt. Yancy Blowe) exited from the passenger side and approached § 87(2)(b) on the sidewalk in front of 469 Bristol Street. Sgt. Blowe was uniformed, and § 87(2)(b) identified him by reading his name on his nameplate.

Sgt. Blowe ran up to § 87(2)(b) searched his two front pants pockets and then patted down his two back pockets. Sgt. Blowe did not recover anything. § 87(2)(b) had § 87(2)(b)'s keys in his front left pocket (which had a small, four inch tall canister of pepper spray attached to them), but Sgt. Blowe did not remove them. Sgt. Blowe noticed and mentioned the pepper spray, and § 87(2)(b) stated that it belonged to her.

Sgt. Blowe asked § 87(2)(b) for his identification, and § 87(2)(b) asked why. Sgt. Blowe asked for his identification again, and § 87(2)(b) told him that his name was § 87(2)(b) and not "Ty." § 87(2)(b) did not give Sgt. Blowe his identification. While Sgt. Blowe and § 87(2)(b) spoke about the identification, three other officers (PO Jonathan Taveras, PO Julio Batista, and an unidentified officer, PO1) exited the police vehicle. Sgt. Blowe told the other officers to handcuff him. § 87(2)(b) described PO1 as a white male, who was bald, 5'7", heavysset (~190 lbs.), and in his early 30s.

PO Taveras grabbed § 87(2)(b) right arm and handcuffed his right hand behind his back. PO Taveras also put his left arm around the front of § 87(2)(b) neck and pulled him backward in an attempt to get him to the ground. PO Taveras did not restrict his breathing. Sgt. Blowe grabbed

§ 87(2)(b) left arm and attempted to handcuff it, and then PO Taveras managed to fully handcuff him. § 87(2)(b) was taken to the ground, but he did not recall how, or by whom.

§ 87(2)(b) was on his stomach on the ground, and rocked his shoulders back and forth. § 87(2)(b) yelled and cursed at the officers, telling them, “What are ya’ll doing this for?” and, “Ya’ll some bitch ass motherfuckers, y’all doing some bullshit.” § 87(2)(b) was then punched in the center of his forehead one time. He did not see or remember who punched him.

PO Taveras lifted up § 87(2)(b) head and slammed it down on the curb two times. Sgt. Blowe and PO1 then pinned § 87(2)(b) legs to the ground and called for backup. PO Batista did not participate in this interaction, and only observed it.

§ 87(2)(b) remained on the ground yelling and cursing at the officers until a marked police van arrived. When the van arrived, § 87(2)(b) told § 87(2)(b) to call her mother and call for an ambulance. Throughout the incident, § 87(2)(b) yelled at the police to stop attacking § 87(2)(b). During the physical encounter, § 87(2)(b) did not swing at the police, and did not do anything with his arms or legs other than what he described. Sgt. Blowe and PO Taveras picked § 87(2)(b) up off the ground and put him in the van and he was transported to the 73rd Precinct stationhouse.

Once inside the 73rd Precinct stationhouse, PO Taveras searched § 87(2)(b) at the desk, and recovered § 87(2)(b)’s keys, § 87(2)(b) keys, his wallet, and lip balm. PO Taveras looked inside § 87(2)(b) wallet and found a piece of tissue with a Tylenol inside of it. PO Taveras showed the Tylenol to Sgt. Blowe.

Soon after, § 87(2)(b) her mother § 87(2)(b) and § 87(2)(b) all arrived at the precinct stationhouse. § 87(2)(b) told officers that she needed her keys from § 87(2)(b). § 87(2)(b) also asked the police for his jewelry and other property. § 87(2)(b) was given the keys (with the pepper spray on them) as well as § 87(2)(b) property.

§ 87(2)(b) was placed in a chair in a separate room where he continued to curse at the officers. § 87(2)(b) felt lightheaded and asked Sgt. Blowe to be transported to the hospital. Sgt. Blowe told him that an ambulance was on its way.

After approximately ten minutes at the stationhouse, two EMTs arrived and asked § 87(2)(b) questions. Approximately ten minutes later, two plainclothes officers (an unidentified officer, PO2, and an officer identified by the investigation as Sgt. Carlos Lewis) walked by § 87(2)(b). § 87(2)(b) described PO2 as a white male, who was bald, 5’7”, stocky (~190 lbs.), and in his 30s.

Sgt. Lewis asked § 87(2)(b) if he used drugs. § 87(2)(b) told Sgt. Lewis that he did not, but that someone Sgt. Lewis knows does. Sgt. Lewis grabbed § 87(2)(b) by the collar with both of his hands and pulled him up out of the chair. Sgt. Lewis then choked § 87(2)(b) by squeezing his neck/throat with both hands for approximately two minutes. § 87(2)(b) stated that Sgt. Lewis restricted his breathing during this time.

While § 87(2)(b) was being choked, § 87(2)(b) and her mother were watching and screaming. § 87(2)(b) started walking backwards in an attempt to get away from Sgt. Lewis. § 87(2)(b) did not do anything else with his body, and said that he could not have if he wanted to, as he was still handcuffed. Sgt. Lewis stopped choking § 87(2)(b) and told § 87(2)(b) to sit down. However,

§ 87(2)(b) refused. Sgt. Lewis told § 87(2)(b) that he was going to see him again and walked away. During their interaction, § 87(2)(b) saw that Sgt. Lewis' shield number was #550.

§ 87(2)(b) was brought to § 87(2)(b) at approximately 2:40 a.m. He was then returned to the stationhouse and his arrest was processed.

Complainant/Witness: § 87(2)(b)

- § 87(2)(b)

CCRB Statement

On October 3, 2013, § 87(2)(b) was interviewed at the CCRB (encl. 12A-12C). Her statement is summarized below.

§ 87(2)(b)'s testimony regarding the beginning of the incident is consistent with § 87(2)(b). However, she did not mention a frisk and search of § 87(2)(b) upon the officer's approach. Instead, § 87(2)(b) stated that upon their approach, PO Batista and PO Taveras immediately grabbed § 87(2)(b)'s arms. Using one of his hands, PO Batista twisted § 87(2)(b)'s right arm behind his back. Sgt. Blowe then grabbed § 87(2)(b)'s chest and forced him to the ground. Sgt. Blowe placed his knee on § 87(2)(b)'s back to hold him down and punched § 87(2)(b) in the head three to four times. § 87(2)(b) was struggling against being restrained and repeatedly told Sgt. Blowe that he had done nothing wrong. While § 87(2)(b) was pinned against the ground, Sgt. Blowe handcuffed § 87(2)(b) and searched inside § 87(2)(b)'s pockets, recovering a set of keys. § 87(2)(b) did not mention PO Taveras slamming § 87(2)(b)'s head on the curb. § 87(2)(b) stated that she recognized Sgt. Blowe (and knew him by name) because he had previously arrested her.

Meanwhile, PO Batista and PO Taveras were standing nearby telling § 87(2)(b) and § 87(2)(b) to back up. § 87(2)(b) told Sgt. Blowe to give her the keys that he had found, as they belonged to her. Sgt. Blowe told § 87(2)(b) that because the keychain had a mace dispenser on it, he would have to take it to the stationhouse and she could pick it up there. PO Batista and PO Taveras then placed § 87(2)(b) in their van and transported him from the incident location.

At the stationhouse, § 87(2)(b) recovered her keys along with § 87(2)(b)'s other belongings. § 87(2)(b)'s mother, § 87(2)(b), was with her at the stationhouse. While § 87(2)(b) and her mother were in the front lobby, § 87(2)(b) saw § 87(2)(b) handcuffed to a chair through a glass window. A detective (identified by the investigation as Sgt. Carlos Lewis) approached § 87(2)(b) and lifted him up by grabbing underneath one of his armpits. The detective then began "jerking" § 87(2)(b)'s body back and forth before putting him back down in the chair. § 87(2)(b) could not hear anything that was being said on the other side of the window. However, § 87(2)(b) yelled out to the detective, "Why are you doing that? You don't even have anything to do with his case, why are you touching him?" Soon after, § 87(2)(b) departed the stationhouse.

Witness: § 87(2)(b)

CCRB Phone Statement

On October 31, 2014, § 87(2)(b) confirmed that she had no memory of the incident in question.

Attempts to Contact § 87(2)(b)

§ 87(2)(b) provided an address for § 87(2)(b) at the time of her interview. On January 10, 2014, and March 21, 2014, the undersigned sent letters to § 87(2)(b). As of October 24, 2014, neither letter has been returned by the USPS. On April 25, 2014, a LexisNexis search for § 87(2)(b) provided no additional addresses, but did provide a phone number. On May 27, 2014, the undersigned called § 87(2)(b) at that number, but it was not in service.

NYPD Statements:

Subject Officer: SGT YANCY BLOWE

- § 87(2)(b)
- *On the date of the incident, Sgt. Blowe worked anti-crime with PO Jonathan Taveras and PO Julio Batista from 7:15 p.m. to 4:12 a.m. The officers were in uniform and assigned to a marked van (#8871).*

Memo Book: Sgt. Blowe's memo book (encl. 14A-14C) notes that at 1:43 a.m., § 87(2)(b) was stopped for disorderly conduct at the incident location with two other people. At 1:53 a.m., PO Taveras arrested § 87(2)(b) for § 87(2)(b). At 1:54 a.m., Sgt. Blowe returned to the stationhouse.

CCRB Statement

On August 13, 2014, Sgt. Yancy Blowe was interviewed at the CCRB (encl. 15A-15C). His statement is summarized below.

On September 14, 2013, at approximately 1:43 a.m., Sgt. Blowe was on patrol with PO Batista and PO Taveras in marked van (#8871). The officers were driving down Bristol Street, a residential block, and had the windows open. Sgt. Blowe was sitting in the front passenger seat. The officers observed a man § 87(2)(b) arguing with a woman § 87(2)(b). Another woman § 87(2)(b) stood with them. § 87(2)(b) had his right hand raised in front of § 87(2)(b) and looked like he was going to hit her. § 87(2)(b) yelled derogatory statements at § 87(2)(b) such as, "You fucking bitch." § 87(2)(b) was causing people nearby to become alarmed. Sgt. Blowe told the officers that if § 87(2)(b) continued this behavior they were going to arrest him for disorderly conduct.

After approximately a minute of observing the scene, all three officers exited their vehicle and approached § 87(2)(b). The officers did not say anything to him from the van. One of the officers (Sgt. Blowe was not sure which) asked § 87(2)(b) for his identification twice.

§ 87(2)(b) said, "No, I don't gotta give you my fucking ID, you have no reason to stop me," and then pushed past an officer (either PO Batista or PO Taveras). § 87(2)(b) pushed the officer in his chest one time, causing the officer to move back. Sgt. Blowe grabbed § 87(2)(b) right arm and PO Taveras grabbed his left arm. The officers then took § 87(2)(b) to the ground. Sgt. Blowe was not sure how exactly the officers took § 87(2)(b) to the ground. Sgt. Blowe did not know if § 87(2)(b) face hit the ground.

On the ground, § 87(2)(b) said, "Get the fuck off me," multiple times. He did not say anything else. § 87(2)(b) physically resisted the officers by moving his arms back and forth, but they were eventually able to handcuff him. Sgt. Blowe was not sure which officer handcuffed § 87(2)(b). The struggle on the ground lasted for less than a minute.

Sgt. Blowe stated that he smelled alcohol on § 87(2)(b) breath and the women's breaths when the officers initially approached them. Sgt. Blowe said that § 87(2)(b) appeared to be intoxicated or on drugs because of his behavior. None of the officers frisked or searched § 87(2)(b) before he was handcuffed. An officer (Sgt. Blowe was not sure who) searched § 87(2)(b) before placing him in their van.

Sgt. Blowe did not punch or strike § 87(2)(b) and did not see any other officers do so. Sgt. Blowe did not pick up § 87(2)(b) head and slam it on the curb, and did not see any other officers do so. Sgt. Blowe did not make physical contact with § 87(2)(b) neck at any point, and did not see any other officers do so. Sgt. Blowe and the other officers did not use any additional force against § 87(2)(b) other than what was described.

The officers placed § 87(2)(b) in the back of their van. When § 87(2)(b) was seated in the van, he attempted to kick Sgt. Blowe in the chest. § 87(2)(b) was still cursing at the officers at the time. The officers then approached § 87(2)(b) and tried to interview her about what had happened. § 87(2)(b) was upset and said, "I don't wanna talk to you fucking cops." The other woman on scene did not do or say anything.

The officers brought § 87(2)(b) back to the stationhouse where his arrest for disorderly conduct and resisting arrest were processed. At the stationhouse, Sgt. Blowe heard § 87(2)(b) tell PO Taveras that he has asthma and wanted medical attention. An ambulance was called and arrived at the stationhouse. Sgt. Blowe did not see § 87(2)(b) sustain any injuries and did not see any injuries on his person.

The two women § 87(2)(b) and § 87(2)(b) who were present for the incident came to the stationhouse to retrieve § 87(2)(b) property, but Sgt. Blowe did not have any interaction with them. Sgt. Blowe's last interaction with § 87(2)(b) was at the desk. He then left the stationhouse to resume patrol.

Sgt. Blowe did not see any additional officers interact with § 87(2)(b) at the stationhouse; this includes witnessing any officers use a chokehold against § 87(2)(b). Sgt. Blowe did not remember if § 87(2)(b) had any contraband in his wallet.

Sgt. Blowe did not know § 87(2)(b) prior to this incident, and has not interacted with him since. Sgt. Blowe stated that after the incident, PO Taveras told him that § 87(2)(b) was known to him, but he did not know further details.

Subject Officer: PO JONATHAN TAVERAS

- § 87(2)(b)
- *On the date of the incident, PO Taveras worked the same tour and assignment as Sgt. Yancy Blowe*

Memo Book: PO Taveras' memo book (encl. 17A-17F) notes that at 1:50 p.m., he stopped a male for being loud and boisterous with two others. At 1:54 a.m., § 87(2)(b) was arrested for § 87(2)(b) after being loud and boisterous. § 87(2)(b) tried to resist arrest by flailing his arms and aggressively approached PO Taveras and said, "Make me," when asked for ID. § 87(2)(b) was found with one broken hydrocodone pill. At 2:00 a.m., § 87(2)(b) went to the hospital complaining of face pain. At 4:00 a.m., § 87(2)(b) returned to the stationhouse. On PO Taveras'

fly page, he notes that § 87(2)(b) came to pick up a Kyocera cell phone and five yellow house keys. § 87(2)(b) then signed PO Taveras' fly page to confirm receipt of the items.

Complaint Report and Arrest Report for § 87(2)(b)

The Complaint Report (encl. 18A-18B) and Arrest Report (encl. 20A-20C) for § 87(2)(b) were both prepared by PO Taveras. The narrative states that § 87(2)(b) was observed with two other individuals being loud and boisterous. When asked for identification, § 87(2)(b) approached PO Taveras and aggressively said, "Make me," causing pedestrians to become alarmed. While affecting the arrest, § 87(2)(b) flailed his arms up and down and pushed at officers. Upon further investigation, § 87(2)(b) was found to be in possession of hydrocodone with a prescription in his wallet. On the Arrest Report, § 87(2)(b) physical condition is listed as, "apparently normal," and it is noted that no force was used. § 87(2)(b) was charged with § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

CCRB Statement

On September 5, 2014, PO Jonathan Taveras was interviewed at the CCRB (encl. 21A-21C). His statement is summarized below.

PO Taveras' testimony was consistent with Sgt. Blowe's statement regarding the initial observation of § 87(2)(b) disorderly conduct, the officers' approach, their confirmed attempts to handcuff § 87(2)(b) and his resistance while they tried to take him to the ground. No officer made physical contact with § 87(2)(b) neck/throat.

The officers and § 87(2)(b) tripped over each other and they all went down to the ground. § 87(2)(b) landed on his knees, and the officers continued to pull his arms behind him. § 87(2)(b) then went down to the ground on his stomach and continued to try to flex his arms forward so that the officers could not bring them behind his back. § 87(2)(b) yelled and cursed on the ground. The officers told § 87(2)(b) to stop resisting and put his hands behind his back, and he continued to flail his arms. The officers managed to handcuff § 87(2)(b) and then brought him to the stationhouse. PO Taveras did not recall Sgt. Blowe making physical contact with § 87(2)(b) before the handcuffing.

PO Taveras did not punch or strike § 87(2)(b) and did not recall seeing any other officers do so. PO Taveras did not slam § 87(2)(b) head on the curb, and did not see any other officers do so.

None of the officers frisked and searched § 87(2)(b) when they first approached him. PO Taveras stated that § 87(2)(b) was only frisked and searched incident to his arrest after he was in handcuffs and being placed in the police van.

At the stationhouse, PO Taveras brought § 87(2)(b) before the desk, searched him, and then lodged him. During the search of § 87(2)(b) at the desk, PO Taveras pulled out § 87(2)(b) wallet and looked inside in. In his wallet was a napkin with a broken hydrocodone pill in it. § 87(2)(b) did not have a prescription for the pill, and was charged for possessing it. § 87(2)(b) came to the stationhouse to pick up § 87(2)(b) cellphone and keys, and PO Taveras had her sign his memo book in regards to the transaction.

As PO Taveras was filling out arrest paperwork, § 87(2)(b) told him that his face hurt and that he was asthmatic and needed his inhaler. However, § 87(2)(b) did not have any visible injuries.

Regardless, per procedure, PO Taveras called an ambulance for § 87(2)(b) and § 87(2)(b) was transported to the hospital. § 87(2)(b) returned to the stationhouse two hours later medically cleared. PO Taveras then finished processing his arrest.

At the stationhouse, PO Taveras did not see any additional officers (other than the desk sergeant) interact with § 87(2)(b). He did not see any officers at the stationhouse pick § 87(2)(b) up by his collar, restrict his breathing, or otherwise make any physical contact with his neck or throat.

Subject Officer: PO JULIO BATISTA

- § 87(2)(b)
- *On the date of the incident, PO Batista worked the same tour and assignment as Sgt. Yancy Blowe.*

Memo Book: PO Batista's memo book (encl. 26A-26D) does not have any entries for the incident in question.

CCRB Statement

On October 17, 2014, PO Julio Batista was interviewed at the CCRB (encl. 27A-27C). His statement is summarized below.

PO Batista was consistent with the other officers' statements regarding the initial observation of § 87(2)(b) disorderly conduct, the officers' approach, their attempts to handcuff § 87(2)(b) and his resistance while they tried to take him to the ground.

PO Taveras and § 87(2)(b) started wrestling while standing up and fell to the ground together. PO Batista did not see any officers make physical contact with § 87(2)(b) neck/throat.

Once § 87(2)(b) was on the ground, PO Batista helped hold down § 87(2)(b) so that PO Taveras could handcuff him. PO Taveras did not make physical contact with § 87(2)(b) before holding him on the ground. Sgt. Blowe also helped hold down § 87(2)(b) on the ground. PO Batista did not recall if Sgt. Blowe made physical contact with § 87(2)(b) before holding him on the ground.

While he was on the ground, § 87(2)(b) flailed his arms, kicked his legs, and twisted his shoulders back and forth. He continued cursing while he was on the ground.

PO Taveras handcuffed § 87(2)(b) and the officers placed him in their vehicle. PO Batista stated that, other than the force he described used to the handcuff § 87(2)(b), no additional physical force was used against him. The officers then brought back to the stationhouse where he was arrested for disorderly conduct and OGA. § 87(2)(b) did not interact with § 87(2)(b) at the stationhouse and did not see any other officers do so.

PO Batista did not recall if Sgt. Blowe frisked § 87(2)(b) before arresting him, but did not see Sgt. Blowe enter § 87(2)(b) pockets at any point during the interaction.

PO Batista did not punch § 87(2)(b) in the forehead at any point, and he did not see any other officers do so. PO Batista did not lift § 87(2)(b) head and slam it on the curb, and he did not see any other officers do so. PO Batista did not see any officers at the stationhouse make physical contact with § 87(2)(b) including on his neck/throat.

Subject Officer: SGT CARLOS LEWIS

- § 87(2)(b)
- *On the date of the incident, Sgt. Lewis worked conditions from 6:50 p.m. to 3:47 a.m. with PO Donald Sadowy and PO Daniel Berardi. The officers were in plainclothes and assigned to an unmarked black Impala (#8055).*

Memo Book: Sgt. Lewis's memo book (encl. 23A-23B) notes that at 3:20 a.m. he was at the stationhouse doing administrative work before going end of tour at 3:47 a.m.

CCRB Statement

On August 6, 2014, Sgt. Carlos Lewis was interviewed at the CCRB (encl. 24A-24B). His statement is summarized below.

Sgt. Lewis had no memory of the incident in question. The undersigned provided Sgt. Lewis with background information about the incident, but it did not refresh his memory of the incident. Sgt. Lewis did not remember interacting with any civilians at the stationhouse on the night of the incident. Sgt. Lewis stated he was doing administrative at the stationhouse, and then went end of tour with his partners.

Attempts to Obtain Medical Records from § 87(2)(b)

§ 87(2)(b) stated that he was treated at § 87(2)(b) on the date of the incident. On October 29, 2013, the undersigned submitted a subpoena for § 87(2)(b) medical records. On November 12, 2013, the undersigned received a letter from § 87(2)(b) that stated they did not have any records for § 87(2)(b) in regards to the incident date (encl. 37A-37B). On November 12, 2013, the undersigned called § 87(2)(b) who confirmed that the date and hospital for which the records were requested were correct. The Command Log (encl. 28C) and Medical Treatment of Prisoner Report (encl. 29A) also both confirm that § 87(2)(b) went to § 87(2)(b). Given that § 87(2)(b) was treated at § 87(2)(b), but § 87(2)(b) could not locate his medical records, the investigation was unable to obtain the documents.

Prehospital Care Report Summary

The Prehospital Care Report Summary for § 87(2)(b) notes that he had, "no medical problem." The EMTs arrived to find § 87(2)(b) sitting in a chair in the stationhouse complaining of pain to his face that was the result of an interaction with the police. § 87(2)(b) said that he was punched in the face, and denied any other pain or injuries. § 87(2)(b) denied dizziness, nausea, vomiting, weakness, headache, and blurred vision. He had no swelling, bruising, deformity to his face, or any other visible injuries or trauma. He denied neck and back pain.

NYPD Documents

Command Log

The Command Log entry for § 87(2)(b) (encl. 28C) notes his arrest by PO Taveras and that his physical/mental condition appears normal. At 2:40 a.m., § 87(2)(b) was brought to § 87(2)(b), and at 4:05 a.m. he returned to the stationhouse. The entry also notes that § 87(2)(b) was brought to Brooklyn Central Booking by PO Laverty at 4:05 p.m.

SPRINT Report

The SPRINT Report (encl. 30D) is from the date and time of the incident, and notes that the officers were investigating a possible crime involving a suspicious person outside (“prowler”).

Arrest for Incident and Disposition

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]

Status of Civil Proceedings

- On October 23, 2014, a FOIL request for a Notice of Claim was submitted (encl. 34A-34B). To date, no response has been received.

Civilian’s Criminal History

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
[REDACTED]

Civilian’s CCRB History

- This is the first CCRB complaint filed by [§ 87(2)(b)] (encl. 7A).

§ 87(2)(b) [REDACTED]
[REDACTED]

- [REDACTED]
[REDACTED]

Subject Officers’ CCRB History

- PO Taveras has been a member of the service for two years and there are no substantiated CCRB allegations against him (encl. 3A).
- Sgt. Blowe has been a member of the service for 11 years and there are no substantiated CCRB allegations against him (encl. 2A).
- PO Batista has been a member of the service for two years and there are no substantiated CCRB allegations against him (encl. 5A).
- Sgt. Lewis has been a member of the service for 17 years and there is one substantiated CCRB allegations against him (encl. 4A):

- In CCRB case number 201102146, an allegation of a stop was substantiated against Sgt. Lewis. The CCRB recommended a command discipline, but the NYPD did not impose any disciplinary action.

Conclusion

Identification of Subject Officers

§ 87(2)(b) described the officer who used a chokehold against him and slammed his head against the ground as a Hispanic male who was 5'7", slim (~150 lbs.), in his early 20s, with black hair. PO Taveras is a § 87(2)(b) old Hispanic male who is 5'9", 160 lbs., with black hair. § 87(2)(b) provided a description of Sgt. Blowe and his name during his initial statement. § 87(2)(b) did not see who punched him. However, based on § 87(2)(b)'s statement the investigation determined this officer was Sgt. Blowe. § 87(2)(g) § 87(2)(b) also provided Sgt. Lewis' shield number and a description of him (that was generally consistent with his pedigree information) during his statement. Sgt. Lewis was also at the stationhouse (the location of the chokehold) at the time of the allegation. § 87(2)(g)

Allegations Not Pleaded

§ 87(2)(g)

Investigative Findings and Recommendations

Allegation A—Force: PO Jonathan Taveras used a chokehold against § 87(2)(b) in front of 469 Bristol Street, in Brooklyn.

§ 87(2)(b) stated that PO Taveras put his left arm around § 87(2)(b) neck and pulled him backward in an attempt to get him to the ground. PO Taveras denied doing this, and neither § 87(2)(b) nor the other officers corroborated this allegation. Furthermore, § 87(2)(b) medical records make no mention of any injuries or trauma to his neck or throat, and do not note any complaints of any officers applying a chokehold, or of pain to the throat.

§ 87(2)(g)

Allegation B—Force: Sgt. Yancy Blowe used physical force against § 87(2)(b) in front of 469 Bristol Street, in Brooklyn.

§ 87(2)(b) stated that he was punched in the center of his forehead one time, but he did not see or remember who punched him. § 87(2)(b) stated that when § 87(2)(b) was on the ground, Sgt. Blowe punched § 87(2)(b) in the head three to four times. Sgt. Blowe stated that he did not punch or strike § 87(2)(b) and did not see any other officers do so. The other officers also denied seeing Sgt. Blowe punch § 87(2)(b)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(b) said he was only punched once, but did not know which officer punched him. § 87(2)(b) said he was punched approximately three times, and attributed the punches to Sgt. Blowe.

§ 87(2)(g)

Additionally, none of the officers (including Sgt. Blowe) corroborated the alleged punch/punches.

Furthermore, § 87(2)(b) did not have any visible injuries in his arrest photo and had no swelling, bruising, or deformities to his face, as noted on his Prehospital Care Report Summary. § 87(2)(g)

§ 87(2)(g)

Allegation C—Force: PO Jonathan Taveras hit § 87(2)(b) against the ground in front of 469 Bristol Street, in Brooklyn.

§ 87(2)(b) stated that PO Taveras lifted up his head and slammed it down on the curb two times. PO Taveras denied doing this, and § 87(2)(b) and the other officers did not corroborate the allegations.

§ 87(2)(b) did not have any visible injuries in his arrest photo (encl. 19A) and the Medical Treatment of Prisoner Report (encl. 29A) only noted that he complained of face pain. § 87(2)(g)

§ 87(2)(g)

Allegation D—Force: Sgt. Carlos Lewis used a chokehold against § 87(2)(b) inside the 73rd Precinct stationhouse.

§ 87(2)(b) stated that Sgt. Lewis grabbed him by the collar with both of his hands and pulled him up out of a chair, and then choked § 87(2)(b) by squeezing his neck with both hands for approximately two minutes. § 87(2)(b) stated that Sgt. Lewis restricted his breathing during this time. § 87(2)(b) stated that Sgt. Lewis approached § 87(2)(b) lifted him up by grabbing underneath one of his armpits, and then began “jerking” § 87(2)(b) body back and forth before putting him back down in the chair. § 87(2)(b) made no mention of Sgt. Lewis making physical contact with § 87(2)(b) throat. Sgt. Lewis did not remember interacting with any civilians at the stationhouse on the night of the incident.

§ 87(2)(b) Prehospital Care Report Summary noted he had, “no medical problem.” He had no swelling, bruising, or any other visible injuries or trauma, and denied neck and back pain.

§ 87(2)(g) [Redacted]
[Redacted]

§ 87(2)(g), § 87(4-b) [Redacted]
[Redacted]
[Redacted]

[Redacted]
[Redacted]
[Redacted]

[Redacted]
[Redacted]

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date